

Donald Jason, MD, JD

Practice Limited to Forensic Medicine & Pathology

2165 Benwicke Drive
Pfafftown, NC 27040

(336) 945-2323

November 10, 2005

Thomas M. Bond, Esq.
The Kaplan / Bond Group
88 Black Falcon Avenue, Suite 301
Boston, Massachusetts 02210

Re: Estate of Danny Tyson Wright

Dear Mr. Bond:

At your request, I have reviewed the following material pertaining to the death of Danny Tyson Wright:

1. Autopsy report for Danny Tyson Wright by Fleming Castillo Alfaro, 5 pages;
2. Witness statement of Captain David Walton, 2 pages;
3. Witness statement of Marco Henrique Williams, 2 pages;
4. Witness statement of Edward McCarty, 1 page.

History

According to the witness statements, Danny Wright had put some fish in a bucket to be given to some people. Another crew member, Kevin Charles Dillon, also called Jerome, threw the bucket and fish over the side of the boat. Danny and Jerome began arguing about this and Jerome took out a knife and stabbed Danny in the left side of his head. Jerome tried stabbing Danny more times, with Danny trying to avoid the knife. Eventually, Jerome stabbed Danny in the left side of his body after which Danny stumbled and collapsed. A large amount of blood was seen to come from the chest stab wound. A crew member called 911, but Danny had stopped breathing by the time the paramedics arrived.

Autopsy

The autopsy report describes three stab wounds. One was in the left side of the head in front of the ear and went down to the underlying jaw bone. A second was in the left side of the body below the ribcage and went through the diaphragm and into the left side of the heart. This resulted in internal bleeding into the left chest cavity. A third was in the left side of the

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body, 20 inches below the second wound and more towards the back. This wound cut skin and muscle.

Cause of Death

It is my opinion, within reasonable medical certainty, that the cause of death for Danny Tyson Wright was internal and external bleeding due to a stab wound of the heart.

Basis for Opinion on Cause of Death

The wounds other than the second described one above did not strike vital organs or cause a great deal of bleeding. The wound to the heart caused almost all the bleeding and would have been fatal if taken alone.

Period of Consciousness

It is my opinion, within reasonable medical certainty, that Danny Tyson Wright was conscious for at least five minutes after first being stabbed in the head until he lost consciousness due to loss of blood.

Basis for Opinion on Period of Consciousness

Mr. Wright lost consciousness due to hemorrhagic shock, which is a drop in blood pressure due to loss of circulating blood. Mr. Wright was certainly conscious from the time he was first stabbed in the head. He remained conscious while warding off Jerome's attempts to stab him. It is not clear which stab wound came first, the second or third, lower, wound, but Mr. Wright would have certainly been conscious and standing for each of those. His heart continued to beat after being cut as shown by his bleeding internally as evidenced by blood in his chest cavity as described in the autopsy. He would therefore have remained conscious while bleeding internally and externally after being stabbed in his heart. He would have to have lost over a pint of blood before losing consciousness, as this is the amount ordinary donated without loss of consciousness. I estimate the total time from the first stabbing plus the period of avoiding Jerome plus the period of bleeding while conscious after being stabbed in the heart to be at least five minutes.

Conscious Pain and Suffering

It is my opinion, within reasonable medical certainty, that Danny Tyson Wright suffered severe sharp pain in the left side of his face and jaw and his left lower chest and left flank resulting from the stab wounds in those locations. It is also my opinion, within reasonable medical certainty, that he suffered extreme anxiety and fear as he fought for his life with a knife wielding attacker. It is also my opinion, within reasonable medical certainty, that he suffered increasing air hunger as his left chest cavity filled with blood, compressing his left lung and depriving him of a large quantity of blood. This air hunger resulted in increasing anxiety and effort to increase breathing as the level of oxygen supplied to the brain decreased.

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Increased breathing would result in increased movement of the injured left side of the diaphragm, which resulted in more sharp pain.

Thus, Danny Tyson Wright lost consciousness experiencing severe sharp pain in his face and side along with severe fear and anxiety caused by his situation and injuries.

Basis for Opinion on Pain and Suffering

The face is supplied with a very large number of nerve endings sensitive to pain and a cut on the face results in severe pain. Severe pain also results from injury to the jaw bone whose surface also contains such nerves. Cutting the skin and muscles of the side of the body also leads to severe sharp pain.

Air hunger is a feeling experienced when the brain is deprived of oxygen consisting of involuntary effort to increase respiration, panic and anxiety leading to an effort to get more air. This feeling increases with decreasing oxygen level.

Evidence of Intent

The placement of the stab wounds in Mr. Wright's face and left side indicates an effort on the part of Jerome to inflict a mortal injury. The size of the knife witnessed to be used was sufficient to reach the victim's heart, also evidence of a foreseeable outcome of such stabbing. The multiple stab wounds against an unarmed victim also indicate intent to kill.

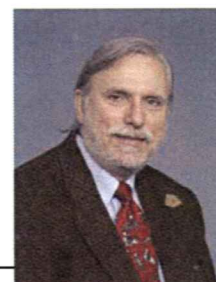
Sincerely,

A handwritten signature in black ink that reads "Donald Jason, M.D." The signature is written in a cursive, flowing style.

Donald Jason, MD, JD
Diplomate in Anatomic and Forensic Pathology

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 Department of Pathology
 Medical Center Boulevard
 Winston Salem, NC 27157-1072
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Donald Richard Jason

Practice limited to Forensic Medicine and Pathology

Special Interests: Cause and Manner of Death
 Pain & Suffering in Survivorship Litigation

Education

1962–1966	M. I. T.	Cambridge, MA
■ S.B., Chemistry		
1966-1970	NYU College of Medicine	New York, NY
■ M.D.		
1974-1978	St. John's U. School Of Law	Jamaica, NY
■ J.D.		

Postdoctoral Training

1970-1971	U. Hosp. Of San Diego County	San Diego, CA
■ Straight Pathology Internship		
1971-1972	Columbia-Presbyterian Med. Cntr.	New York, NY
■ Anatomic Pathology Residency		

Employment Academic

1974-1977	NYU College of Medicine Dept. of Forensic Medicine	New York, NY
■ Instructor		
1992-present	WFU School Of Medicine Dept. of Pathology, Autopsy Service	Winston Salem, NC
■ Assistant Professor		

Professional

1974-1977	Office of Chief Medical Examiner	New York, NY
■ Junior Medical Examiner		
1977	Office of Chief Medical Examiner	New York, NY
■ Associate Medical Examiner		
1977-1982	Office of Chief Medical Examiner Suffolk County, NY	
■ Deputy Medical Examiner—Pathologist		
1982-1992	Medical Examiner's Office	Atlantic County, NJ
■ County Medical Examiner		
■ Designated Forensic Pathologist		

DONALD R. JASON, M.D., J.D.
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	1992-present	Office of Chief Medical Examiner	North Carolina
	■	County Medical Examiner	
	■	Forensic Pathologist	
Professional Licensure	1971	New York	#108991
	1982	New Jersey	#40810
	1992	North Carolina	#35669
Specialty Certification	1976	American Board of Pathology	
	■	Anatomic Pathology	
	■	Forensic Pathology	
Bar Admission	1979	New York	
Professional Memberships		National Association of Medical Examiners	
	■	Member	
		American Academy of Forensic Sciences	
	■	Fellow, Pathology Biology Section	
		American College of Legal Medicine	
	■	Fellow	
Lectures and Speeches		"Analysis of medical examiner's cases by manner of death, jurisdiction of the medical examiner, and autopsy justification." 30 th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 23, 1978.	
		"An unusual suicide by natural gas asphyxia." 30 th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 24, 1978.	
		"Medical examiner's cremation approval jurisdiction." 32 nd Annual Meeting, American Academy of Forensic Sciences, New Orleans, Louisiana, February 22, 1980.	
		"Cardiac arrest following preoperative intravenous administration of undetermined drug." 35 th Annual Meeting, American Academy of Forensic Sciences, Cincinnati, Ohio, February 19, 1983.	
		"Casino-related deaths in Atlantic City, New Jersey: 1982-86." 40 th Annual Meeting, American Academy of Forensic Sciences, Philadelphia, Pennsylvania, February 19, 1988.	
		"A survey of medical examiner/coroner HIV testing." Annual Meeting, National Association of Medical Examiners, Charleston, South Carolina, September 26, 1994.	

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"Handedness and lateralizing self-inflicted handgun wounds — determination and correlation." 47th Annual Meeting, American Academy of Forensic Sciences, Seattle, Washington, February 18, 1995.

"A national survey of autopsy cost versus forensic pathology board qualifications." 48th Annual Meeting, American Academy of Forensic Sciences, Nashville, Tennessee, February 23, 1996.

"Answering transplanter queries during medical examiner/coroner investigations." 49th Annual Meeting, American Academy of Forensic Sciences, New York, New York, February 22, 1997.

"Euthanasia and physician-aided deaths in Michigan and beyond." 37th Annual Conference on Legal Medicine, American College of Legal Medicine, Fort Lauderdale, Florida, March 6, 1997.

"The Forensic Pathology of Pain and Suffering." Proving and Improving Damages in a Death Case, Association of Trial Lawyers of America — New Jersey, Edison, NJ, December 6, 1997.

"Elder abuse: an emerging fatal circumstance." 50th Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 14, 1998.

"Non-abusive posterior rib fractures in infants — a post mortem radiologic-pathologic study." 51st Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 18, 1999.

"Medical Examiner's Jurisdiction." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

"Electricity." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

"Web-Based Pathology Instruction in Integrated Curriculum." GRIPE Summer Meeting 2000, Indianapolis, Indiana, June 24, 2000.

"Smallpox and the Medical Examiner/Coroner System." 56th Annual Meeting, American Academy of Forensic Sciences, Chicago, Illinois, February 20, 2003.

"Smallpox and the Medical Examiner." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 27, 2003.

"The Forensic Pathology of Pain, Suffering and Death." Doubling Down on Damages, Association of Trial Lawyers of America — New Jersey, Atlantic City, NJ, April 25, 2003.

"Fire Deaths and Drowning." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 16, 2004.

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Bibliography

Chapter in Book

Jason D. Broadening of existing medicolegal office education. In: Wecht CH, ed. Legal Medicine 1980. Philadelphia: W.B. Saunders, 1980:137-148.

Jason D. Chapter 35: The Autopsy in Malpractice Litigation. In: Collins KA and Hutchins GM, eds. Autopsy Performance & Reporting 2nd Edition. Northfield, IL: College of American Pathologists, 2003:335-342.

Journal Articles

Jason DR, Taff ML, Boglioli LR. Casino-related deaths in Atlantic City, New Jersey: 1982-1986. Am J Forensic Med Pathol 1990;11(2):112-113.

Jason DR. Angioedema associated with Captopril. J Forensic Sci. 1992;37(5):1418-1421.

Jason DR. The role of the medical examiner/coroner in procurement of organs and tissue for transplantation. Am J Forensic Med Pathol 1994; 15(3):192-202.

Steffee CH, Lantz PE, Flannagan LM, Thompson RL, Jason DR. Oleoresin capsicum (pepper) spray and "in-custody deaths." Am J Forensic Med Pathol 1995;16(3):185-192.

Jason DR. A national survey of postmortem human immunodeficiency virus testing by medical examiners and coroners. Am J Forensic Med Pathol 1995;16(4):325-332.

Jason DR, Taylor K. Estimation of stature from the length of the cervical, thoracic and lumbar segments of the spine in American whites and blacks. J Forensic Sci 1995;40(1):59-62.

Dorthe NJ, Blumenthal TD, Jason DR, Lantz PE. The use of next-of-kin in assessing handedness. Percept Mot Skills 1995;81:203-208.

Jason DR, Lantz PE, Preisser JS. A national survey of autopsy cost and workload. J Forensic Sci 1997;42(2):270-275.

Jason DR, Peterson, BR. Pretrial communication with defense counsel by medical examiners' pathologists. Am J Forensic Med Pathol 1997;18(2):124-128.

Miscellaneous

Lantz PE, Jason D, Davis GJ. Decreasing the organ donor shortage. Am J Forensic Med Pathol 1995;16(3):257-259. (Letter)

Jason DR, Davis GJ. What rights do patients have regarding return of an abortus? CAP Today 1995;9:67.

Donald R. Jason, MD, JD

Trial and Deposition Information during last 5 years

Trial testimony as an expert as of 11/09/05

Date	Attorney	Case
12/10/00	Andrew K. Worek, Esq. Harvey, Pennington, Cabot, Griffith & Renneisen, Ltd. 1835 Market Street Philadelphia, PA 19103-2989	Ka-Rin Taylor (deceased) v. Albert Einstein Medical Center <i>et al</i> (Arbitration hearing)
1/25/01	Dennis M. Donnelly, Esq. Blume Goldfaden Berkowitz Donnelly Fried & Forte One Main Street Chatham, NJ 07928	Estate of Jesus Suarez
1/9/01	Patricia H. Rollins, Esq. Office of the Federal Public Defender Eastern District of North Carolina 150 Fayetteville Street Mall, Suite 450 Raleigh, NC 27601	United States v. Sherry L. Truscello
5/30/03	Charles L. Becton, Esq. Becton, Slifkin & Bell 4000 Westchase Blvd., Suite 500 Raleigh, NC 27607	Estate of Rogers v. Ebken 00 CVS01020, Lee County
6/17/03	Dennis M. Donnelly, Esq. Blume, Goldfaden, Berkowitz, Donnelly, Fried & Forte One Main Street Chatham, New Jersey 07928-0924	Estate of Maria Papalia
10/29/03	Mittie R. Smith, Esq. Post Office Box 2532 High Point, NC 27261	State v. Frank Michaux
2/17/04	Lisa Andrew Dubs, Esq. 31 Second Street, NW Hickory, NC 28601	State v. Steelmon
5/12/05	Thomas J. Vesper, Esq. Westmoreland, Vesper & Quatrone Bayport One, Suite 500 P.O. Box 2000 West Atlantic City, NJ 08232-0034	Knoster v. Ford Motor Company

I have testified regarding cause of death approximately five to ten times per year as a witness for a number of District Attorneys in North Carolina in homicide prosecutions for which I have performed the autopsy. I do not have a complete list of these cases, but information regarding them may be obtained from the District Attorneys involved.

Donald R. Jason, MD, JD

Trial and Deposition Information during last 5 years

Deposition testimony as an expert as of 11/09/05

Date	Attorney	Case
8/14/01	H. Lee Davis, Jr., Esq. Davis & Hamrick, L.L.P. 635 West Fourth Street P.O. Drawer 20039 Winston-Salem, NC 27120-0039	Estate of Randall Setzer
4/11/03	Chad A. McGowan, Esq. James C. Anders, P.A. & Associates 125 Hampton Street Suite 300 Rock Hill, SC 29730	Estate of Anna Hoyles
11/1/04	John P. Harris, Esq. Harris & Harris 1619 Jefferson Davis Highway Fredericksburg, VA 22401	Estate of Jody Swisher
11/4/04	Jonathan Koles, Esq. Law Offices of Koles, Burke & Bustillo 2600 Kennedy Blvd. Jersey City, NJ 07306	Estate of Clayton Deoliviera Cacula v. Pasquale Damicolo and CSI Builders, Inc. Docket No. L-7178-03
11/5/04	Thomas D. Buchanan, Esq. Hacker & Murphy, LLP 7 Airport Park Boulevard PO Box 104 Latham, NY 12110-0104	Sheila Hackert, et al v. Sunbeam, et al
3/4/05	Michael K. Sutherlin & Associates P.O. Box 441095 Indianapolis, IN 46244-1095	Estate of Calvin Cole
3/16/05	Chad A. McGowan, Esq. James C. Anders, P.A. & Associates 125 Hampton Street Suite 300 Rock Hill, SC 29730	McGowan v. Aiken Regional
5/24/05	Vincent Ciecka, Esq. Penn Oak Building 5709 Westfield Avenue PO Box 560 Pennsauken, NJ 08110-5709	Sherry Hill vs Logemann Bros (Estate of David Young)
6/20/05	Chad A. McGowan, Esq. McGowan, Hood, Felder & Johnson Law Firm 1539 Health Care Drive Rock Hill, South Carolina 29732	Shameka White v. York County Board of Disabilities
7/13/05	Joseph E. Dever, Esq. Dever & Feldstein, LLC 305 Washington Avenue Suite 200 Baltimore, MD 21204	Estate of Jessie Mitchell

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Wednesday, November 09, 2005

Thomas M. Bond, Esq.
The Kaplan / Bond Group
88 Black Falcon Avenue, Suite 301
Boston, Massachusetts 02210

Re: Fee Schedule

Dear Mr. Bond:

As you requested, here is my fee schedule:

- Usual retainer \$500
- Review of records \$300/hour
- Authoring report \$300/hour (generally 1-2 hours)
- Deposition testimony \$300/hour including travel time plus expenses
- Trial testimony \$300/hour including travel time plus expenses
Minimum fee, \$1500 for full day away from my office

My Social Security Number is 059-36-5903.

Sincerely,



Donald R. Jason, MD, JD
Diplomate in Anatomic and Forensic Pathology